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MR. HUGHES RIGHT; MR. UNDERWOOD WRONG

DISCUSSION in the Senate Judiciary Committee of Senator Underwood's bill to create an all-American commission to pass on claims of the American Government and American citizens against Germany and Austria-Hungary probably will be a moot affair; for Secretary Hughes has announced, since the introduction of Senator Underwood's bill, consummation of the negotiations with Germany for a mixed commission. The agreement provides one commissioner to represent the United States and one to represent Germany, and an umpire. Germany agreed to the appointment of the umpire by President Harding, and the President promptly chose Associate Justice William R. Day, of the United States Supreme Court, who served as Assistant Secretary of State and later as Secretary of State in the McKinley Cabinet.

But, although the discussion of the Underwood bill will be academic, there should be clear understanding of what the bill seeks to do and emphatic condemnation of it. Mr. Underwood would have the United States set up its own agency to pass on the claims of its own government and its own citizens, and would have the American claims, thus passed upon by a solely American agency, satisfied from the funds or property in the control of the Alien Property Custodian. Of course, Germany and Austria-Hungary would be placed in the position of the vanquished, entitled to be heard only if and when the victor were pleased to grant a hearing. Nothing more obnoxious could be imagined to the American idea of fair play and what should be the American ideal of justice, and more than justice, to the helpless.

Parenthetically, it is difficult to imagine so strange a proposal from Senator Underwood, regarded by so great a number of those who know him as approaching the apotheosis of fairness based on sanity. Whatever the accuracy of Senator Underwood's argument that unless something be done speedily to secure the claims of Americans the funds held by the Alien Custodian will be dissipated, his plan is utterly unsatisfactory.

Secretary Hughes, in his letter to Senator Nelson, chairman of the Judiciary Committee, to which the Underwood bill was referred, properly and truthfully spoke of the measure as one of confiscation. There is no escape from that conclusion. Not only does Senator Underwood seek to set up a one-sided agency to pass upon claims, but he specifies in the bill so great a schedule of allowable claims that it is certain every dollar of alien property held would be seized without nearly meeting the total in claims. In addition to the claims of American citizens for losses sustained by such German acts as the sinking of the *Lusitania*, the Government of

the United States would be permitted to recover enormous sums, paid or to be paid, on account of the conduct of the war.

And Secretary Hughes is entirely right when, after indicating his opposition to such a policy of confiscation, he makes the point that all the facts in the situation are such that the United States is under stronger moral compulsion than ever before to adhere to its policy of mixed commissions.

It is evident that, apart from the influence of the fact that the State Department has completed negotiations with Germany for a mixed commission, the sentiments of Mr. Hughes are the sentiments of conspicuous members of the Senate, like Senator Borah, of Idaho, and Senator Walsh, of Montana. And that is a cause for genuine gratification. We believe that Mr. Borah and Mr. Walsh, in their opposition to the Underwood bill, voiced the sentiments of the American people, rather than did Senator Underwood.

IS THE UNITED STATES TO BLAME?

IT is charged in certain European quarters that the United States is favoring powerful private interests engaged in the manufacture of arms; that these interests are fostering a spirit of war in different parts of the world; and that the United States authorities are at least partially controlled by these interests. The argument is substantially as follows:

A convention was concluded at St. Germain on September 10, 1919, relative to the control of the trade in arms and munitions. In this convention it is set forth that following the war huge stocks of arms remained in various belligerent countries, constituting a danger to peace and public order. In the document it is set forth that it is, therefore, necessary for the governments to exercise supervision over the trade in and the possession of these munitions of war. According to the terms of the instrument, it is proposed to prohibit the export of the arms of war without a license from the government of the exporting country. In case munitions are exported according to license, all such licenses shall be published in an annual report setting forth the quantities exported, together with their destination; which report shall be sent to a central office under the control of the League of Nations. In the case of certain "prohibited areas" in Africa and in parts of Asia, commonly termed the Near and Middle East, there shall be no importation of arms. The principle involved is that traffic in arms, like the traffic in opium and other dangerous drugs, should be subject to strict supervision and to the control of public opinion.

It appears that the Treaty of St. Germain is not in force; that, indeed, only Greece and Siam, among the